

## Article - State Government

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§12–402.

The General Assembly finds that:

- (1) the State is a unique body because:
  - (i) the State is a sovereign political body that the people have established directly for the sole purpose of providing for their government; and
  - (ii) the revenue of the State derives principally from taxes on the people, rather than from commercial enterprise;
- (2) State personnel who are acting within the scope of public duties and responsibilities are carrying out a governmental program under law and, thus, are discharging a part of the purpose and sovereignty of the State;
- (3) decisions of courts throughout the United States have created new grounds for personal liability of a public officer or public employee who is discharging a public duty;
- (4) those decisions have resulted in:
  - (i) increased difficulties in recruiting or retaining qualified individuals for public positions that involve the exercise of discretion or dealing with the general public; and
  - (ii) increased difficulties and expense in protecting these individuals through public liability insurance; and
- (5) as a matter of State policy, it is essential to protect from liability State personnel who are acting within the scope of public duties and responsibilities and without malice or gross negligence.

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